

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,) CR 11-19-H-DWM
)
)
Plaintiff,)
)
)
vs.) ORDER
)
)
FREDRICK WILLIAM WAELETI,)
)
)
Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on March 21, 2012. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

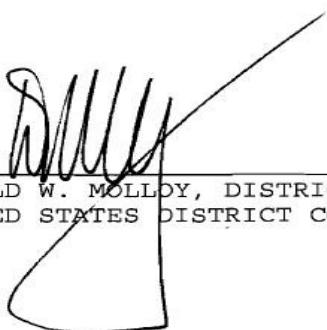
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Fredrick William Waelti's guilty plea after Waelti appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of being a felon in possession of a firearms, and aided and abetted the same, in violation of 18 U.S.C. §§ 2 and 922(g)(1) as set forth in Count I of the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss the charge set forth in Count II of the Indictment against his co-defendant, Sherleen M. Waelti.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 31), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Fredrick William Waelti's motion to change plea (dkt #21) is GRANTED.

DATED this 18th day of April, 2012.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT